



WESTFIELD-WASHINGTON
BOARD OF ZONING APPEALS

March 10, 2015
1503-VU-04 & 1503-VS-04
Exhibit 1

Petition Number: 1503-VU-04 & 1503-VS-04

Subject Site Address: 131 West Main Street (the "Property")

Petitioner: Scott Wolf (the "Petitioner")

Request: The petitioner is requesting approval for a Variance of Use and associated Variances of Development Standard to allow a new parking lot in the LB-H: Local Business/Historical District (*Chapter 13: Use Table*).

Current Zoning: LB-H: Local Business/Historical District

Current Land Use: Vacant

Approximate Acreage: 0.33 acre +/-

Exhibits:

1. Staff Report
2. Aerial Location Map
3. Petitioner's Application
4. Proposed Site Plan

Staff Reviewer: Kevin M. Todd, Senior Planner

Property Information

The subject property is approximately 0.33 acre +/- in size and is located on the south side of Main Street, approximate 275 feet west of Union Street (see [Exhibit 2](#)). The Property is zoned LB-H: Local Business/Historical District. Adjacent property to the north, east and west are commercially-used. Adjacent property to the southwest is residentially used, and adjacent property to the southeast is civically used (Lions Club). It is anticipated that the area between Mill Street and Union Street and between State Road 32 and Jersey Street will redevelop into a pedestrian-friendly development with multi-story, multi-use buildings.

Petition History

This petition will receive a public hearing at the March 10, 2015, Board of Zoning Appeals meeting.

Analysis

This petition request is to allow a 26-space parking lot to be constructed on the Property. The Property is immediately to the west of a bank building that is being converted to a restaurant. The restaurant owner



is proposing to extend the existing parking lot onto the subject property. The new parking lot would be accessed from the restaurant lot (to the west), and would not have direct access to State Road 32. The Property is within close proximity to the Grand Junction Plaza.

As Downtown Westfield continues to redevelop, it is acknowledged that additional public parking will be needed. The Grand Junction Implementation Plan, 2013 (an addendum to the Comprehensive Plan) identifies the need for downtown public parking (including the possibility of multiple parking garage structures). However, until a comprehensive downtown parking plan is formalized and implemented, a series of temporary surface parking lots may very likely serve as an interim solution. The proposed parking lot would help serve this purpose by alleviating immediate parking needs caused by a new restaurant.

It is anticipated that the proposed parking lot would be temporary, meaning that the Property would only have a parking lot until a greater parking solution for that part of downtown is fully planned and implemented. After the parking plan has been implemented, the subject parking lot would no longer be needed. At that time, it is anticipated that the Property would then redevelop.

This proposal has been reviewed by the Grand Junction Task Group and has received their support.

Details of the Variance Requests:

Variance of Use. The Property is currently zoned LB-H, and Commercial Parking Lots are not a permitted use in that zoning district (Article 13.2, Use Table).

Variances of Development Standard. As depicted in the petitioner's plans, the proposed temporary parking lot would be gravel and the existing perimeter trees would be maintained. However, because of the temporary nature of the parking lot, many of the substantial improvements that would otherwise be required by the City's Unified Development Ordinance may not be warranted for this project at this time. As a result, the following development standard variances are requested:

1. That all Landscaping Standards not apply (Article 6.8);
2. That the parking area not be required to be paved (Article 6.14, G (7) (a));
3. That the parking area not be required to be curbed (Article 6.14, G (7) (b));
4. That the Perimeter/External Pedestrian Network Standards not apply (Article 8.7, D);
5. That the Street and Right-of-Way Standards not apply (Article 8.9); and,
6. That Development Plan Review approval authority is delegated to the Economic and Community Development Department Staff (Article 10.7, D).

Procedural

Public Notice: The Board of Zoning Appeals is required to hold a public hearing on its consideration of this petition. This petition is scheduled to receive its public hearing at the March 10, 2015, Board of Zoning



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Appeals meeting. Notice of the public hearing was properly advertised in accordance with Indiana law and the Board of Zoning Appeals' Rules of Procedure.

Conditions: The UDO¹ and Indiana Code § 36-7-4-918.4 provide that the Board of Zoning Appeals may impose reasonable conditions and limitations concerning use, construction, character, location, landscaping, screening, and other matters relating to the purposes and objectives of the UDO upon any Lot benefited by a variance as may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the subject Lot or upon public facilities and services. Such conditions shall be expressly set forth in the order granting the variance.

Acknowledgement of Variance: If the Board of Zoning Appeals approves this petition, then the UDO² requires that the approval of the variance shall be memorialized in an acknowledgement of variance instrument prepared by the Department. The acknowledgement shall: (i) specify the granted variance and any commitments made or conditions imposed in granting of the variance; (ii) be signed by the Director, Property Owner and Applicant (if Applicant is different than Property Owner); and (iii) be recorded against the subject property in the Office of the Recorder of Hamilton County, Indiana. A copy of the recorded acknowledgement shall be provided to the Department prior to the issuance of any subsequent permit or commencement of uses pursuant to the granted variance.

Variance of Use: The Board of Zoning Appeals shall approve or deny variances of land use from the terms of the UDO. A variance of land use may be approved under Indiana Code § 36-7-4-918.4 only upon a determination in writing that:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;
3. The need for the variance arises from some condition peculiar to the property involved;
4. The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought; and
5. The approval does not interfere substantially with the Comprehensive Plan.

Variances of Development Standard: The Board of Zoning Appeals shall approve or deny variances from the development standards (such as height, bulk, or area) of the underlying zoning ordinance. A variance may be approved under Indiana Code § 36-7-4-918.5 only upon a determination in writing that:

¹ Article 10.14(I) Processes and Permits; Variances; Conditions of the UDO.

² Article 10.14(K) Processes and Permits; Variances; Acknowledgement of Variance of the UDO.



1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and
3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property.

Recommendation

The area around the subject property is actively being redeveloped in accordance with the Comprehensive Plan (and its subsequent amendments for Downtown Westfield, aka Grand Junction), and as a result of these new economic development opportunities, there is an emerging need for additional downtown parking. The City is actively working on an overall, comprehensive parking plan for Grand Junction, but current development trends are causing the need for more immediate solutions – even if they are temporary solutions. For these reasons, the Department supports the proposed temporary parking lot on the subject property.

The Department recommends approval of 1503-VU-04 and 1503-VS-04 with the following conditions and findings:

Recommended Conditions:

1. That landscaping be installed and/or maintained as generally depicted on the submitted concept plan (see Exhibit 4); and,
2. That approval of these variances (1503-VU-03 and 1503-VS-03) shall expire on April 1, 2020. Any request to extend the time limit of these variances shall be reviewed and approved by the Board of Zoning Appeals prior to April 1, 2020.

Recommended Findings for Variance of Use (1503-VU-04):

1. *The approval will not be injurious to the public health, safety, morals, and general welfare of the community:*

Finding: It is unlikely that approving the requested variance of use would be injurious to the public health, safety, morals, and general welfare of the community. The proposed use should help alleviate parking problems in this part of Downtown Westfield as there are not enough nearby, existing on-street or off-street parking spaces to support the trending economic development activity in this quadrant of downtown.



2. *The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner:*

Finding: It is unlikely that the use and value of adjacent property will be affected in a substantially adverse manner. The State Road 32 corridor is commercially developed with a mixture of buildings and parking surfaces. The addition of a new parking lot is not inconsistent with existing adjacent development.

3. *The need for the variance arises from some condition peculiar to the property involved.*

Finding: A new restaurant use on the adjacent property to the west needs more parking than that site can sustain. The subject property's proximity to the new restaurant offers nearby parking for the new restaurant use.

4. *The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought.*

Finding: The current LB-H zoning district would not permit a stand-alone commercial parking lot. However, parking is needed in the area because of nearby/adjacent economic development opportunities and the lack of current parking options.

5. *The approval does not interfere substantially with the comprehensive plan.*

Finding: Redevelopment is occurring in a manner that is consistent with the Comprehensive Plan and the approval of a temporary parking lot would not interfere with that plan.

Recommended Findings for Variances of Development Standards (1503-VS-04):

1. *The approval will not be injurious to the public health, safety, morals, and general welfare of the community:*

Finding: It is unlikely that approving the requested variances of development standards would be injurious to the public health, safety, morals, and general welfare of the community. The proposed parking lot should help alleviate parking problems in this part of Downtown Westfield as there are not enough nearby, existing on-street or off-street parking spaces to support the trending economic development activity in this quadrant of downtown.



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2. *The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner:*

Finding: It is unlikely that the use and value of adjacent property will be affected in a substantially adverse manner. The State Road 32 corridor is commercially developed with a mixture of buildings and parking surfaces. The addition of a new parking lot is not inconsistent with existing adjacent development.

3. *The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property.*

Finding: The current LB-H zoning district would not permit a stand-alone commercial parking lot. However, parking is needed in the area because of nearby/adjacent economic development opportunities and the lack of current parking options.